

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jaime M. Hysell,

Plaintiff,

v.

Case No. 2:14-cv-1248

Commissioner of
Social Security,

Defendant.

ORDER

This matter is before the court for consideration of the December 3, 2015, report and recommendation of the United States magistrate judge to whom this case was referred pursuant to 28 U.S.C. §636(b). The magistrate judge rejected plaintiff's argument that the administrative law judge ("ALJ") erred in her analysis of plaintiff's psychological impairment under §12.04 of the Listing of Impairments. However, the magistrate judge found that the ALJ did not adequately explain her reasons for rejecting the opinion of plaintiff's treating physician, Dr. Richardson; did not adequately address how plaintiff's obesity and knee surgery impacted her ability to physically perform work tasks; and did not sufficiently discuss her reasons for crediting the opinions of the state agency reviewers over that of Dr. Richardson regarding the impact of plaintiff's pseudotumor cerebri and headaches on her ability to work. The magistrate judge further concluded that the ALJ did not properly evaluate plaintiff's credibility. The magistrate judge recommended that the plaintiff's statement of errors be sustained to the extent that the case be remanded to the Commissioner for further administrative proceedings so that the ALJ could address the above matters on remand, perform a new credibility evaluation,

and formulate a new hypothetical question for the vocational expert.

The report and recommendation specifically advised the parties that failure to object to the report and recommendation within fourteen days of the report "will result in a waiver of the right to have the district judge review the Report and Recommendation de novo, and also operates as a waiver of the right to appeal the decision of the District Court adopting the Report and Recommendation." Doc. 17, p. 16. The time period for filing objections to the report and recommendation has expired, and no party has objected to the report and recommendation.

The court adopts the report and recommendation of the magistrate judge (Doc. 20). The decision of the Commissioner is vacated, and this case is remanded to the Commissioner pursuant to sentence four of 42 U.S.C. §405(g) for further administrative proceedings. The clerk is directed to enter judgment remanding this case to the Commissioner.

Date: December 28, 2015

s/James L. Graham
James L. Graham
United States District Judge